

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

MARCUS BUGGS,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00729

KELLY LUCAS, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on May 15, 2019, in which he recommended that the district court grant defendant Meade's motion to dismiss, deny plaintiff's motion for injunctive relief, grant the BOP defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment", deny plaintiff's motion for default judgment, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections\* to the Magistrate Judge's Findings and Recommendation within the allotted time period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby:

- 1) **GRANTS** defendant Meade's motion to dismiss;
- 2) **DENIES** plaintiff's motion for injunctive relief;
- 3) **GRANTS** the BOP Defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment";
- 4) **DENIES** plaintiff's motion for default judgment; and
- 5) **DIRECTS** the the Clerk to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

**IT IS SO ORDERED** this 26th day of June, 2019.

ENTER:



David A. Faber

Senior United States District Judge

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\* Subsequent to the filing of the PF&R, both plaintiff and defendants filed documents responsive to the filing of the amended complaint. See ECF Nos. 75 and 76. Those documents did not address the merits of the PF&R.